

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-034-T - ORDER NO. 97-803
SEPTEMBER 15, 1997

IN RE: Application of Pascon, LLC, Route 2,) ORDER
Box 126-B, Gaston, SC 29053, for a) GRANTING
Certificate E Certificate of Public) CERTIFICATE
Convenience and Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Pascon, LLC (the Applicant, Pascon or the Company) for a Class E Certificate of Public Convenience and Necessity to render motor freight service over irregular routes only, as follows:

HAZARDOUS WASTES, AS DEFINED IN R.103-210(2):
BETWEEN POINTS AND PLACES IN SOUTH CAROLINA

Subsequent to the initiation of this proceeding, the Commission Staff instructed the Applicant to cause to be published a prepared Notice of Filing in certain newspapers of general circulation in the State of South Carolina. The Notice of Filing indicated the nature of the Application and advised all interested parties desiring to participate in the proceeding of the manner and time in which to file the appropriate pleadings. A Petition to Intervene was filed by Laidlaw Environmental Services (TG), Inc. (Laidlaw).

Accordingly, a hearing was held on September 3, 1997, at 10:30 a.m. in the offices of the Commission. The Honorable Guy Butler,

Chairman, presided. The Applicant was represented by George Kastanes, Esquire. Pascon presented the testimony of Paul LaRoche. Laidlaw was represented by Barbara Hamilton, Esquire. Laidlaw presented the testimony of James Thomas Griffin. The Commission Staff was represented by F. David Butler, General Counsel. The Commission Staff presented no witnesses.

Paul LaRoche, Controller of Pascon, testified. LaRoche testified that Pascon was founded by P&S Construction which processes non-hazardous oily sludges. LaRoche testified that the work of the Company was primarily non-hazardous, but occasionally, the necessity arose to handle hazardous wastes, and the Company was desirous of presenting a whole package of services to its customers, including the occasional hauling of hazardous wastes. Further, LaRoche testified that, at times, work became available hauling liquid paint wastes from paint and body shops, which is also considered hazardous waste. LaRoche stated that, to his knowledge, the existing carriers were not handling these particular types of customers, especially those needing transportation of liquid paint wastes. Also, LaRoche testified with regard to the equipment possessed by the Company, and insurance coverage possessed. LaRoche testified that no outstanding judgments were present or on file against the Company.

James Thomas Griffin of Laidlaw testified. Griffin testified that although Laidlaw had considerable equipment available for the hauling of hazardous waste for disposal in South Carolina, that it had no objection to Pascon's being granted authority to haul

hazardous waste as it described, that is, occasional hazardous waste and liquid paint waste from paint and body shops. Griffin testified that Laidlaw was not seeking customers for the hauling of paint wastes, and, indeed was not soliciting the type of customers that Pascon seems to be seeking. Further, Griffin stated that he could see that it would be economical for the same Company to pick up hazardous and non-hazardous waste.

Upon consideration of the Application, the representations contained therein, the documentary evidence attached thereto, and the testimony and exhibits, the Commission concludes that the Applicant is fit, willing and able to perform the service to the public under the authority sought. The Commission also finds that the granting of the Certificate is required by the public convenience and necessity for the types of customers sought by Pascon. The Commission wishes to make it clear that, although Pascon is being granted statewide authority in a Class E Certificate of Public Convenience and Necessity, we are hereby limiting Pascon's Certificate as follows:

The operations of Pascon in transporting hazardous wastes upon routes originating and terminating wholly within the State of South Carolina shall be limited, in that hazardous waste shall be collected or solicited only from the following categories of generators: (A) Those persons or entities for whom or which Pascon has or is providing other related services, including, but not limited to excavation or collection of non-hazardous wastes; or (B) Paint and body shops. It appears that Pascon seeks such limited

authority and Laidlaw has no objection to Pascon providing said services.

IT IS THEREFORE ORDERED:

1. That the Application for a Class E Certificate of Public Convenience and Necessity to haul hazardous waste for disposal within the State of South Carolina is approved, but shall be limited to that hazardous waste collected and solicited only from the following categories of generators: (A) Those persons or entities for whom or which Pascon has or is providing other related services, including, but not limited to excavation or collection of non-hazardous wastes; or (B) Paint and body shops.

2. That the Applicant file the proper license fees and other information as required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by R.103-100 through R.103-280 of the Commission's Rules and Regulations for motor carriers, S.C. Code Ann. Vol. 26 (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

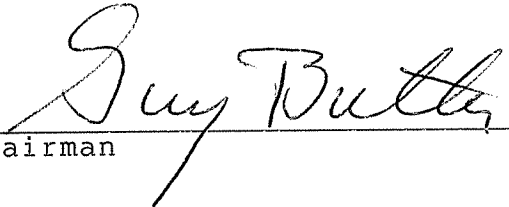
3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable provisions of R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized

herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)